

Date

SreyRam Kuy, MD, MHS
Bureau of Health Services Financing
628 North 4th Street
Baton Rouge, LA 70802

Re: Ethics Board Docket No. 2016-595

Dear Dr. Kuy:

The Louisiana Board of Ethics, at its July 15, 2016 meeting, considered your request for an advisory opinion as to whether you may accept employment with a Louisiana licensed hospital or other healthcare provider that accepts Medicaid payments for medical services. You stated that you are currently employed as the Medicaid Medical Director/Chief Medical Officer of the Bureau of Health Services Financing (BHSF) within the Louisiana Department of Health and Hospitals (DHH). You also stated that you would like to work for Our Lady of the Lake Regional Medical Center (OLOL) as a surgeon providing urgent surgical care in order to maintain your clinical skills. Finally, you stated that although you will not be directly involved in the billing process or inquiring about the insurance status of patients, OLOL accepts and treats patients that are Medicaid recipients. Information was provided that OLOL, other Louisiana licensed hospitals and healthcare providers that accept Medicaid payments must adhere to regulations of the DHH Secretary and BHSF.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics prohibits you from being employed as a surgeon for OLOL, other Louisiana licensed hospitals and other healthcare providers that accept Medicaid payments for medical services while you serve as the Medicaid Medical Director/Chief Medical Officer of BHSF. Section 1111C(2)(d) of the Code prohibits a public servant from receiving compensation for services rendered to the following persons: (1) those who have or are seeking to obtain a business, contractual or financial relationship with the public servant's agency, (2) those who conduct operations or activities that are regulated by the public servant's agency, and (3) those who have a substantial economic interest that could be affected by the performance or non-performance of the public servant's official duty. OLOL, other Louisiana licensed hospitals and other healthcare providers that accept Medicaid payments for medical services are regulated by your agency, BHSF. Therefore, as the Medicaid Medical Director/Chief Medical Officer of BHSF, you are prohibited from being employed by or from providing compensated services to these entities.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Jennifer T. Land
For the Board

DRAFT

THIS IS NOT AN OPINION OF THE
BOARD OF ETHICS